

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
DIONISIO CASTILLO, ANGEL PIGUERO, and  
MODESTO GUERRERO,

Plaintiffs,

-against-

ELG PARKING INC., 169TH STREET  
PARKING CORP., ELG & 169TH STREET  
PARKING CORPORATION, BISHOP JOSEPH  
ALEXANDER, and RAYMOND LOPEZ,

Defendants.

ANALISA TORRES, District Judge:

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4/24/2023

21 Civ. 2550 (AT)

**ORDER**

The Court has reviewed Defendants' letter dated April 5, 2023, ECF No. 82, and the parties' letter dated April 21, 2023, ECF No. 89. Defendants "request that the Court allow them to file [a] motion for summary judgment." ECF No. 82 at 2. Pre-motion letters for any motions for summary judgment were due April 3, 2023. ECF Nos. 75, 79. Defendants state that their untimely request was a result of their "inadverten[ce]." ECF No. 82 at 1. Defendants' request is not only untimely, it does not comply with Rule III.C of the Court's Individual Practices in Civil Cases.

The parties state that "[n]o party requested a jury trial in their initial pleadings, but Defendants intend to move under [Federal Rule of Civil Procedure] 39(b) for a jury trial." ECF No. 89. Rule III.C.i of the Court's Individual Practices in Civil Cases notes that, "[a]bsent good cause, the Court will not ordinarily have summary-judgment practice in a non-jury case."

Defendants are directed to resubmit their request for a summary judgment motion that conforms to the above and the Court's Individual Practices in Civil Cases by **May 1, 2023**. Plaintiffs shall file a response to Defendants' request **within five business days** after receipt of Defendants' pre-motion letter. No further extension shall be granted absent a showing of good cause.

SO ORDERED.

Dated: April 24, 2023  
New York, New York



ANALISA TORRES  
United States District Judge